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TERESA MCCLINTOCK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

TERESA MCCLINTOCK,

Plaintiff,

v.

PENNCRO ASSOCIATES, INC.,

Defendant.

**Case No.:**

**COMPLAINT AND DEMAND FOR  
JURY TRIAL**

**(Unlawful Debt Collection Practices)**

**COMPLAINT**

TERESA MCCLINTOCK ("Plaintiff"), by her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against PENNCRO ASSOCIATES, INC., ("Defendant"):

**INTRODUCTION**

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate

1 United States district court without regard to the amount in controversy,” and  
2 28 U.S.C. 1367 grants this court supplemental jurisdiction over the state claims  
3 contained therein.  
4

5 3. Defendant conducts business and has an office in the state of  
6 Pennsylvania and therefore, personal jurisdiction is established.  
7

8 4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).  
9

10 5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.  
11

## 12 PARTIES

13 6. Plaintiff is a natural person residing at 230 Rossitter Street  
14 Shreveport, Louisiana.

15 7. Plaintiff is a “consumer” as that term is defined by 15 U.S.C.  
16 1692a(3).  
17

18 8. Defendant is a national debt collection company with corporate  
19 headquarters located at P.O. Box 1878, Southampton, PA 18966.  
20

21 9. Defendant is a debt collector as that term is defined by 15 U.S.C.  
22 1692a(6), and sought to collect a consumer debt from Plaintiff.  
23  
24  
25

1        10. Defendant acted through its agents, employees, officers, members,  
2 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,  
3 representatives, and insurers.

4  
5  
6                    **FACTUAL ALLEGATIONS**

7        11. Defendant and others it retained began in October of 2008 through  
8 the present to constantly and continuously place harassing and abusive  
9 collection calls to Plaintiff seeking and demanding payment for an alleged  
10 consumer debt.

11  
12        12. Defendant and others it retained placed calls to Plaintiff's home  
13 telephone.

14  
15        13. Defendant places calls to Plaintiff from the telephone numbers 800-  
16 678-1826 and 800-284-5232 (ext 2692) and others.

17  
18        14. Defendant identified the case number being called about as  
19 "Z44337".

20  
21        15. Plaintiff has demanded that calls stop immediately but her  
22 instructions were disregarded by Defendant and others it retained.

23  
24        16. Defendant refused/refuses to heed Plaintiff's instructions and  
25 continues/continued calling Plaintiff from October 2008 through at least April

1 2009.

2 17. Defendant has called and hung up on Plaintiff as well.

3  
4 18. Persons who identified themselves during calls include: "Shania  
5 Parker"; "Ryan"; "Darnell Bolling" and "Erica Clanton". Upon information  
6 and belief, some or all of these names are assumed.

7  
8 19. Defendant and others it retained, often called/call more than five  
9 times a day.

10  
11 20. Repetitive calls to Plaintiff are/where disturbing, harassing, an  
12 invasion of privacy and made Plaintiff feel wary about answering the telephone  
13 for any number she did not recognize.

14  
15  
16 **COUNT I**  
17 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES**  
18 **ACT**

19 21. Defendant violated the FDCPA based on the following:

- 20 a. Defendant violated §1692 generally.
- 21 b. Defendant violated §1692d(5) and of the FDCPA by causing a
- 22 telephone to ring and engaging Plaintiffs in telephone conversations
- 23 repeatedly and continuously with the intent to annoy, abuse, and
- 24 harass Plaintiff.
- 25 c. Defendant violated §1692d(6) and of the FDCPA by placing
- telephone calls and leaving messages from a person who did not in

1 fact exist and therefore in a manner that Defendant had not  
2 meaningfully disclosed the callers identity by design and/or plan.

3 22. As a direct and proximate result of one or more or all of the statutory  
4 violations above Plaintiff has suffered emotional distress (see Exhibit B).

5  
6 WHEREFORE, Plaintiff, TERESA MCCLINTOCK, respectfully requests  
7 judgment be entered against Defendant, PENNCRO ASSOCIATES, INC., for  
8 the following:

9  
10 23. Declaratory judgment that Defendant's conduct violated the Fair Debt  
11 Collection Practices Act,

12  
13 24. Statutory damages pursuant to the Fair Debt Collection Practices Act,  
14 *15 U.S.C. 1692k*,

15  
16 25. Actual damages,

17  
18 26. Costs and reasonable attorneys' fees pursuant to the Fair Debt  
19 Collection Practices Act, *15 U.S.C. 1692k*

20  
21 27. Any other relief that this Honorable Court deems appropriate.

22  
23 **DEMAND FOR JURY TRIAL**

24 PLEASE TAKE NOTICE that Plaintiff, TERESA MCCLINTOCK,  
25 demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

DATED: November 13,  
2009

KIMMEL & SILVERMAN, P.C..

By: \_\_\_\_\_/s/ Craig Thor Kimmel\_\_\_\_\_

Craig Thor Kimmel, Esquire  
Attorney for Plaintiff